

COMMISSION ON COMMON OWNERSHIP
COMMUNITIES

Minutes of the Monthly Meeting

Via Zoom Audio-Visual Conference

Wednesday November 2, 2022

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:02 pm by Vice Chairman of the Commission, John Smith.

Commissioners present: [09] ANDERSON, HERRON, HOLMES, MOORE, NERLINGER (arrived at 7:27 pm), SEEBOLD, SMITH, STEINBACH AND WALKER

Commissioners absent: COMMISSIONER MURTHY (Five (5) Vacancies)

Staff present WALTER WILSON, ESQ., OFFICE OF THE COUNTY ATTORNEY;
Staff: MARK ANDERS, ESQ., OCOC STAFF INVESTIGATOR (presenting), IFE FABAYO., OCOC STAFF INVESTIGATOR.

OTHER GUEST: RAND FISHBEIN, PhD, EX-OFFICIO CHAIR, BRIAN FELLNER, ESQ, PANEL CHAIR, MARK S FINE, EX-OFFICIO CHAIR, PANEL CHAIR.

Guests:

JUSTIN TEMPLE, JAMES CAGLEY, ESQ. JO ELLEN BILLANIN, WANDA BOVEJA, ULANI PRATER GULSTONE, FRANK LUNCHEON, TESH DIRIBA, AND M. FREEMAN.

Facilitator Mark Fine

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1. **Proof of Quorum:** There being 8 Commissioners Present the meeting was called to order, by a motion of Vice Chairman of the Commission John Smith.
 2. **Welcome and Introductions:** The Vice Chair welcomed all in attendance.
 3. **Approval of Agenda:** Commissioner Anderson moved to proposed agenda, Commissioner Holmes seconded. All voted in favor and the motion carried.
 4. **Approval of Minutes:** Commissioner Anderson moved to approve the minutes of October, 2022 monthly meeting. Commissioner Moore seconded. The motion carried, with Commissioner Steinbach recusing (She was absent at the October meeting).
 5. **Community Forum:** No one in attendance had question of or comments to bring before the Commission.
 6. **Report of the Chair:** The Vice Chair deferred this report, as the Chairwoman stated she

would address it at the next meeting

7. Submission of disputes for Commission consideration: Jurisdiction –

#2022-103. Gebreah v. Carolyn Condominium

Commissioner Herron moved **NOT Accept jurisdiction of the case and dismiss it** and **Commissioner Anderson** seconded the motion. The Vice Chair called for discussion, hearing none, a roll call vote was called. **The motion was carried by the Commission**, by unanimous consent.

#2022-098, Galeas v. Sierra Landing Condominium

Commissioner Anderson moved to **Accept jurisdiction of the case**, and **Commissioner Herron** seconded the motion. The Vice Chair called for discussion, Commissioner Steinbach requested that Mr. Wilson, (OCA) further discuss the Statute of Limitations (three year limitation) and the Doctrine of Laches. Mr. Wilson then discussed the Statute of Limitations on the case further explained specifically the Doctrine of Laches. He also stated that the Commission may want to think about accepting jurisdiction of this case, and that the complaint could have been brought back as far as 10 (Ten) years ago. Commissioner Holmes also inquired if there was any change of ownership and all homeowners still own their units. Mr. Fine advised the Commissioners that the Complainant is now an absentee owner and rents his unit. Commissioner Herron inquired if the Association has attempted to place a lien on the property. Ms. Fabayo stated that Mr. Galeas advised her that he was not aware of the CCOC. Commissioner Moore inquired about the Doctrine of Laches, stating that she believed the Association did not impose any consequences until recently (withholding his parking passes and pool passes), and that the Association was ignoring the issue. Ms. Fabayo stated that the Association was not ignoring the matter but they simply did not add additional penalties or charges. The Chairwoman reminded the Commissioners that they appear to be discussing the case. Mr. Wilson agreed stating that the issue is that the Complainant was not wanting to pay the fine and that the fine has been on his account for 10 (Ten) years. A roll call vote was requested by the Chairwoman. **The motion was carried by the Commission**, with Commissioner Steinbach and Chairwoman Walker voting to not accept the case.

DECISIONS AND ORDERS ISSUED

#2022-007, ANNETTE JOLLES, et al.. v. WESTLAKE PARK CONDOMINIUM B, INC., et al. (in packet). After advising the Commission that the decision and order was recently issued, the case is already on appeal at the Circuit Court, staff advised that there was also a stay in place on the decision and order, by the Circuit Court. Both sides were concerned that one of the stipulations to the Decision and Order was that Westlake must, within 10 days after the date of this Decision and Order, direct the League to deliver all original proxy/ballots to CMC. Both parties were concerned about the safekeeping of the ballots during the appeal process and requested that the ballots be turned over to the CCOC as they could not comply with that part of the order. After consultation with the Circuit Court Judges staff in the case, the Judge agreed to allow the staff of the CCOC to take custody to the materials. The Chairwoman wanted to ensure that this action was for the office to act on and that the Commission was not involved in ensuring the safekeeping. Everyone was advised that nothing would happen until the office had written approval from the Presiding Judge.

DECISIONS AND ORDERS ON APPEAL (in Circuit Court for Montgomery, MD)

#2021-013, Kotelba v. King Farm Citizens Assembly *Mr. Fine advised that the staff issued a “Class A” violation to the respondent as per the notification from the complainant.

No Updates on

#2021-033, Errichetti v. Glen Waye Gardens Condominium

7. County Attorney’s Report –

Mr. Wilson had no report to add to what has been discussed during this meeting.

8. DHCA Staff Report -

Mr. Fine stated that there was no report this month.

9. Vice Chair & Committee Reports – The Vice Chair thanked all of the Committees for their hard work.

- A. Education - The Committee Chair presented her report which is attached to this package. She also discussed the new upcoming request from Leisure World of Maryland and requested that all Commissioners assist and to please contact her. The Chairwoman of the Commission requested to meet with the Education Committee to ensure we execute the training efficiently and all commissioners participate. She also stated that she would prefer sitting commissioners rather than former commissioners conduct the training.
- B. Nominating Committee.- Commissioner Holmes gave an update on the status of commissioner interviews. He advised that 5 positions were filled, (which includes the 2 incumbent position). He asked Mr. Fine to elaborate on the status, as Mr. Fine was working with the C/E’s (County Executive) office on the process. Mr. Fine stated that of the 7 total positions open, all residential positions applications and all but 1 of the professional positions have been presented to the C/E except for one professional, as no other applicants were qualified for that position. The request was made to the C/E’s office vet the applicant selections and to please run another advertisement of the open professional position.
- C. Legislative/Policies and Procedures - No Report
- D. Gaithersburg Task Force - No Report
- E. Communications Committee - No Report
- F. Budget and Information Technology – Ad-hoc No Report

10. UNFINISHED BUSINESS The Chairwoman asked Mr. Fine for an update on the status of the office vacancies. He advised that both the Investigator and Manager position have been advertised and that multiple investigator applicants were moving through the process. He also explained that the Manager position temporally stalled for lack of the minimum applicants to move forward, but he was told that process is now resuming to the phase 2 process.

11. NEW BUSINESS: None

12. GOOD OF THE ORDER : Birthday wishes were extended to Commissioner Holmes on his upcoming birthday..

13. ADJOURNMENT: Commissioner moved to adjourn the meeting, seconded by Commissioner Holmes, all in favor. Meeting adjourned at 7:55 pm.

**THE NEXT MONTHLY MEETING WILL BE ON December
7, 2022**

**Zoom invitations have been sent and are the same for
the remainder of the year**